

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Edward Silver et al	)	
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SERIAL NO.:	10/784,383	)	ART UNIT:
		)	2612
FILED:	February 23, 2004	)	
		)	EXAMINER:
FOR:	SYSTEMS AND METHODS FOR	)	Blount
	IDENTIFICATION OF LOCATIONS)	)	

MS Appeal Brief - Patents  
Commissioner for Patents  
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SUPPLEMENTAL APPEAL BRIEF

This Appeal Brief is submitted in response to the Notice of Non-Compliant Appeal Brief mailed June 4, 2007. The SUMMARY OF CLAIMED SUBJECT MATTER section has been revised to include reference to the specification as requested in the Notice.

REAL PARTY IN INTEREST

The real party in interest is BellSouth Intellectual Property Corporation, the assignee of record as recorded at reel/frame 015020/0290.

RELATED APPEALS AND INTERFERENCES

There are no pending appeals or interferences related to this appeal.

STATUS OF CLAIMS

Claims 1-17 stand finally rejected.

The rejections of claims 1-17 are herein appealed.

## STATUS OF AMENDMENTS

There have been no amendments filed after the final rejection mailed April 4, 2006.

## SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal is provided below.

Embodiments are directed to methods and systems for identifying a location to facilitate a delivery to the location. Referring to Figure 1, a delivery person 10 is equipped with a viewing apparatus 14 in communication with a location identification device 18 and a positioning location service 17 via network 16. Based on the location of the user (e.g., geographic position) and an image captured by the viewing apparatus 14, the system can confirm that the user is at the correct delivery location to make a delivery.

Independent claim 1 recites a method for identifying a location, comprising: storing identification information (20) associated with a delivery location (12), the identification information including a street address and a telephone number for the delivery location (12) (see page 7, lines 4-10; page 11, lines 21-27); providing a viewing apparatus (14) that enables a user (10) to have a view of his or her surroundings and to select a location from the view of the surroundings for identification (page 6, lines 9-14); causing the viewing apparatus (14) to transmit location information regarding the location as selected by the user for the identification (page 6, lines 17-19), the location information including an image of a target in the surroundings (page 12, lines 17-23), the location information including coordinates defining the location of the user (page 6, lines 19-27); providing a location identification device (18) operative to receive the location information (20), to use the location information to determine identification information for the location in response to at least the image of the target, and to transmit the identification information to the viewing apparatus (14) (page 7, lines 1-7); and causing the viewing apparatus to display the identification information (20) on the view of the surroundings (page 7, lines 10-16), the identification information including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location (page 11, lines 21-23).

Thus, embodiments of claim 1 use both the image of the surroundings and the coordinates of the user to provide location identification information to the user to facilitate delivery.

Independent claim 6 recites a system for identifying a location, comprising: a viewing apparatus (14) providing a user with a view of his or her surroundings, allowing the user to select a location from the view of the surroundings for identification (page 6, lines 9-14), and operative to transmit location information data regarding the location (page 6, lines 17-19), the location information including an image of a target (page 12, lines 17-23); a location identification device (18) operative to store identification information (20) associated with a delivery location, the identification information including a street address and a telephone number for the delivery location (page 7, lines 4-10, page 11, lines 21-27), to receive the location information, to use the location information to obtain identification information about the location in response to at least the image of the target, and to transmit the identification information to the viewing apparatus (page 7, lines 1-7); and the viewing apparatus (14) further operative to display the identification information (20) about the location on the view of the surroundings (page 7, lines 10-16), the identification information (20) including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location (page 11, lines 21-23).

Embodiments of claim 6 use the image of the surroundings to provide location identification information to the user to facilitate delivery.

Independent claim 12 recites a method for identifying a location, comprising: storing identification information (20) associated with a delivery location, the identification information (20) including a street address and a telephone number for the delivery location (12) (see page 7, lines 4-10; page 11, lines 21-27); providing a view of his or her surroundings to a user (page 6, lines 9-14); determining a location in the view to be within a specified distance from the user (page 13, lines 6-11); responding to the determination by using location information to identify the location in response to at least an image of a target in the view of his or her surroundings (page 7, lines 1-7); and displaying identification information (20) relating to the location on the view of his or her surroundings to the user, (page 7, lines 10-16) the identification information (20) including street address and

telephone number for the delivery location to confirm that the image of the target is the delivery location (page 11, lines 21-23).

Embodiments of claim 12 use the image of the surroundings to provide location identification information to the user to facilitate delivery.

The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in any way limit the scope of these claims.

#### GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 3, 6, and 7 were rejected under 35 U.S.C. § 103 as being unpatentable over Yokota.

Claims 2, 4, 5 and 8-11 were rejected under 35 U.S.C. § 103 as being unpatentable over Yokota in view of Bide.

Claims 12-17 were rejected under 35 U.S.C. § 103 as being unpatentable over Yokota in view of Bide and Hakala.

#### ARGUMENT

##### **I. Rejection of Claims 1, 3, 6, and 7**

Claims 1, 3, 6, and 7 were rejected under 35 U.S.C. § 103 as being unpatentable over Yokota.

Claim 1 recites, *inter alia*, “storing identification information associated with a delivery location, the identification information including a street address and a telephone number for the delivery location . . . causing the viewing apparatus to display the identification information on the view of the surroundings, the identification information including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location.”

Yokota teaches using positional information and image information to provide additional information about an object in an image, but does not teach confirming a delivery location by transmitting a street address and telephone number to the user. Yokota gives examples of information that may be obtained for objects in a view (e.g., Figure 8) but does not relate the image information to a delivery location as recited in claim 1.

In applying Yokota, the Examiner states that Yokota does not specifically disclose that the location is a delivery location and that identification information includes a street address and a telephone number for the delivery location. The Examiner continues “[o]ne of ordinary skill in the art would have recognized that any type of information could have been stored on the server for retrieval by the user to confirm thoughts about a particular location. This is viewed as a matter of design choice.” (emphasis added). Applicants submit that the Examiner applied an improper standard for finding obviousness.

The rationale that other types of information “could” be used is a clearly an application of the “obvious to try” doctrine that has been admonished by the courts. The proper standard is what “would” one of ordinary skill do, not what “could” they do. There is no suggestion in Yokota that suggests one of ordinary skill in the art would implement the claimed invention.

Further, the Examiner relies on the doctrine of “design choice” to find obviousness. This type of “design choice” analysis has been criticized by the Federal Circuit. See *In re Chu*, 36 USPQ2d 1089, citing *In re Gal*, 25 USPQ2d 1076, (the finding of obvious design choice was precluded where the claimed structure and the function it performs are different from the prior art). In the present case, using identification information that includes street address and telephone number to confirm that the image of the target is the delivery location provides a function not available in Yokota, namely the ability to coordinate the image, the telephone number and the location to effectuate a delivery. Thus, reliance on design choice is not appropriate in this case.

For at least the above reasons, claim 1 is patentable over Yokota. Claim 3 depends from claim 1 and is patentable over Yokota for at least the reasons advanced with reference to claim 1. Independent claim 6 recites features similar to those discussed above with reference to claim 1 and is patentable over Yokota for at least the reasons advanced with reference to claim 1. Claim 7 depends from claim 6 and is patentable over Yokota for at least the reasons advanced with reference to claim 6.

## **II. Rejection of Claims 2, 10 and 11**

Claims 2, 10 and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Yokota in view of Bide.

With respect to claims 2, 10 and 11, Bide was relied upon for disclosing using orientation information from the viewing apparatus. Bide teaches using a PDD which uses a compass to detect a 3D directional vector for the user. This 3D vector bears no relation to objects near the user, but merely indicates in which direction the user is pointing. By contrast, claim 2 recites “orientation information regarding the location as selected by the user for the identification.” Thus, the orientation information in claim 2 relates to the relationship between a user and a location selected for identification. This type of orientation information is not available in Bide. Bide only provides a compass heading with no relation to a location selected for identification. Thus, even if Yokota and Bide are combined, the features of claim 2 do not result. Thus, claim 2 is patentable over Yokota and Bide.

Claims 10 and 11 recite features similar to claim 2 and are patentable over Yokota and Bide for at least the reasons advanced with reference to claim 2.

## **III. Rejection of Claims 4, 5, 8 and 9**

Claims 4, 5, 8 and 9 were rejected under 35 U.S.C. § 103 as being unpatentable over Yokota in view of Bide. With respect to claims 4, 5, 8 and 9, Bide was relied upon for disclosing providing a user with an address or a telephone number. Bide, however, fails to cure the deficiencies of Yokota discussed above with reference to claims 1 and 6. Claims 4 and 5 depend from claim 1 and claims 8 and 9 depend from claim 6. Thus, claims 4, 5, 8 and 9 are patentable over Yokota in view of Bide for at least the reasons advanced with reference to claims 1 and 6.

## **IV. Rejection of Claims 12-15**

Claims 12-15 were rejected under 35 U.S.C. § 103 as being unpatentable over Yokota in view of Bide and Hakala.

Claim 12 recites, *inter alia*, “storing identification information associated with a delivery location, the identification information including a street address and a telephone number for the delivery location . . . displaying identification information relating to the

location on the view of his or her surroundings to the user, the identification information including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location.” As discussed above with reference to claim 1, neither Yokota nor Bide teaches or suggests these features. Hakala was relied upon for allegedly disclosing providing identification information as a user comes within range of a location. Hakala teaches providing information on glasses 110 related to items of interest in the field of view. The user may be interested in certain categories such as restaurants, etc. (column 9, lines 1-26). Hakala, however, fails to cure the deficiencies of Yokota and Bide described above. There is no teaching in Hakala of providing identification information including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location. Thus, the combination of Yokota in view of Bide and Hakala fails to teach at least these features of claim 12.

For at least the above reasons, claim 12 is patentable over Yokota in view of Bide and Hakala. Claims 13-17 variously depend from claim 12 and are patentable over Yokota in view of Bide and Hakala for at least the reasons advanced with reference to claim 12.

## **V. Rejection of Claims 16-17**

Claims 16-17 were rejected under 35 U.S.C. § 103 as being unpatentable over Yokota in view of Bide and Hakala.

Claim 16 recites “wherein determining the location in the view comprises determining the location and the orientation in the view to be within the specified distance from the user.” With respect to claim 16, Bide was relied upon for disclosing using orientation information from the viewing apparatus. Bide teaches a PDD which uses a compass to detect a 3D directional vector for the user. This 3D vector bears no relation to objects near the user, but merely indicates in which direction the user is pointing. By contrast, claim 16 recites “determining the location and the orientation in the view.” Thus, the orientation information in claim 16 relates to the orientation of the location in the view. This type of orientation information is not available in Bide. Bide only provides a compass heading with no relation to a location selected for identification. Hakala teaches providing information on glasses 110 related to items of interest in the field of view. The user may be

interested in certain categories such as restaurants, etc. (column 9, lines 1-26). Hakala, however, fails to cure the deficiencies of Yokota and Bide described above. There is no teaching in Hakala determining the location and the orientation in the view. Thus, even if Yokota and Bide and Hakala are combined, the features of claim 16 do not result. Thus, claim 16 is patentable over Yokota and Bide.

Claim 17 is dependent on claim 16 and is patentable over Yokota and Bide and Hakala for at least the reasons advanced with reference to claim 16.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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## **CLAIM APPENDIX**

1. A method for identifying a location, comprising:

storing identification information associated with a delivery location, the identification information including a street address and a telephone number for the delivery location;

providing a viewing apparatus that enables a user to have a view of his or her surroundings and to select a location from the view of the surroundings for identification;

causing the viewing apparatus to transmit location information regarding the location as selected by the user for the identification, the location information including an image of a target in the surroundings, the location information including coordinates defining the location of the user;

providing a location identification device operative to receive the location information, to use the location information to determine identification information for the location in response to at least the image of the target, and to transmit the identification information to the viewing apparatus; and

causing the viewing apparatus to display the identification information on the view of the surroundings, the identification information including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location.

2. The method of Claim 1, wherein causing the viewing apparatus to transmit the location information regarding the location as selected by the user for the identification comprises causing the viewing apparatus to transmit orientation information regarding the location as selected by the user for the identification.

3. The method of Claim 1, wherein causing the viewing apparatus to display the identification information comprises causing the viewing apparatus to display the identification information in association with the location on the view of the surroundings.

4. The method of Claim 1, wherein the identification information comprises an address.

5. The method of Claim 1, wherein the identification information comprises a telephone number.

6. A system for identifying a location, comprising:  
a viewing apparatus  
providing a user with a view of his or her surroundings,  
allowing the user to select a location from the view of the surroundings for identification, and  
operative to transmit location information data regarding the location, the location information including an image of a target;  
a location identification device operative  
to store identification information associated with a delivery location, the identification information including a street address and a telephone number for the delivery location,  
to receive the location information,  
to use the location information to obtain identification information about the location in response to at least the image of the target, and  
to transmit the identification information to the viewing apparatus; and  
the viewing apparatus further operative  
to display the identification information about the location on the view of the surroundings, the identification information including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location.

7. The system of Claim 6, wherein the viewing apparatus is operative to display the identification information about the location on the view of surroundings in association with the location in the view.

8. The system of Claim 6, wherein the identification information comprises an address.

9. The system of Claim 6 wherein the identification information comprises a telephone number.

10. The system of claim 6

wherein the viewing apparatus allows the user to select an orientation of the location from the view of the surroundings for the identification, and the viewing apparatus is operative to transmit the location information including the orientation regarding the location.

11. The system of Claim 10, wherein the location identification device is operative to receive the location information and the orientation, to use the location information and the orientation to obtain the identification information.

12. A method for identifying a location, comprising:

storing identification information associated with a delivery location, the identification information including a street address and a telephone number for the delivery location;

providing a view of his or her surroundings to a user;

determining a location in the view to be within a specified distance from the user;

responding to the determination by using location information to identify the location in response to at least an image of a target in the view of his or her surroundings; and

displaying identification information relating to the location on the view of his or her surroundings to the user, the identification information including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location.

13. The method of Claim 12, wherein displaying the identification information comprises displaying the identification information in association with the location on the view of his or her surroundings.

14. The method of Claim 12, wherein the identification information comprises an address.

15. The method of Claim 12, wherein the identification information comprises a telephone number.

16. The method of Claim 12, wherein determining the location in the view comprises determining the location and the orientation in the view to be within the specified distance from the user.

17. The method of Claim 16, wherein responding to the determination by using the location information to identify the location comprises responding to the determination by using the location information and the orientation to identify the location.

## EVIDENCE APPENDIX

Not Applicable

## RELATED PROCEEDINGS APPENDIX

Not Applicable